

AFFIDAVIT

State of Massachusetts

County of Worcester, SS:

Michael Dawe being first duly sworn upon oath, deposes and says:

1. I am making this affidavit based upon personal knowledge, and I am competent to testify in the matters stated. I am Plaintiff in Dawe v. Capital One Bank, No. 04-40192-FDS.

2. Plaintiff's answers to Defendant's Second Set of Interrogatories in the above case are true and accurate to the best of my belief.

3. I disputed the alleged debt in my answer in the state court suit brought against me and in the letters that I sent to the credit bureaus.

4. A true and accurate copy of my answer is attached.

5. True and accurate copies of the letters I sent by certified mail to the credit bureaus are attached.

6. Defendant verified the alleged debt with all the credit bureaus and noted neither my dispute nor the fact that Defendant could no longer sue me.

7. True and accurate copies of the results of investigations from credit bureaus are attached.

8. Defendant's failure to accurately report the alleged debt on my credit histories has caused severe emotional distress as shown by these physical manifestations:

Sleeplessness

Increased smoking to two packs a day

Relationship problems at former employment
Stay to myself; rarely see friends or family
Decreased activity

Used to golf three times a week, now never

Used to garden every day, now never

Weekends in Maine

Distracted from necessary activities

Did not medicate his bees and lost his hives

Did not spray his apple trees and lost those as well

Loss of appetite/inconsistent eating

Headaches (aspirin & Tylenol)

Dry heaves in the morning

Depression, sadness

Further affiant sayeth naught.

Signed under the pains and penalties of perjury on this 15th day
of November, 2006.

/s/ Michael Dawe

Michael Dawe